

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KRYSTEK ET AL)
Serial No: 10/014,708) Group Art:
Filed: November 13, 2001) 3627
For: ENHANCED METHOD AND SYSTEM)
FOR PROVIDING SUPPLY CHAIN)
EXECUTION PROCESSES IN AN)
OUTSOURCED MANUFACTURING)
ENVIRONMENT)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

Susan Krystek, George Andrews, Peter Badalamenti, James DeFilippo, Phillippe Duffaut, Manuel Fusco, Debra Hughes, John McGarvey, Michael Meaden, John Pelesz, Jan Scofield, Wes Seaman, Kathy Tasnady declare and say that:

1. We are the inventors of the invention claimed in the above-identified patent application.
2. We conceived in the United States the invention disclosed and claimed in the above-identified patent application prior to June 8, 2001 and then worked on diligently reducing the invention to practice in the United States prior to June 8, 2001 and further diligently reduced the invention to practice in the United States by filing the above-identified application.
3. As evidence in support of this prior conception and reduction to practice, submitted herewith is the following evidence of activity done in the United States.

(a) Exhibit A is an inventor disclosure document prepared and submitted by Wes Seaman to the IP legal department of IBM prior to June 8, 2001. Page 2 of Exhibit A states that a web-based feature would be added to the OSC tool to enhance communication between the CEM's and CM's on pricing and leadtimes. The enhancement features would be consolidated to one centrally managed process/system. This statement supports conception of the invention prior to June 8, 2001.

(b) With respect to reduction to practice, the invention shown in FIG. 1 of this application was actually reduced to practice by establishing a team of commodity council members, customer focus teams, and by selecting a group of contract manufacturers and component supplier entities for planning and testing. Excerpts from a Freelance Graphics presentation created prior to June 8, 2001 is shown at Exhibit B, which provides the organizational structure (page 2) of the system architecture as shown in FIG. 1 of the application. Page 2 of Exhibit B further provides customer focus teams situated in close proximity to respective contract manufacturing entities from various geographic regions. Page 2 supports reduction to practice of the system architecture and organization of the customer focus teams with respect to the outsourced supply chain system as recited in claim 14 of the application.

(c) Further support for reduction to practice prior to June 8, 2001 may be found on page 3 of Exhibit B, whereby OSC Contract Manufacturer Focal Points which are established for each contract manufacturer entity and are further categorized by geographic region. The Applicants submit that the OSC Contract Manufacturer Focal Points are synonymous with customer focus teams. The organization and system structure of the customer focus teams within the outsourced supply chain architecture coincides with Applicants' claim 14 and FIG. 1 of the application.

(d) Page 4 of Exhibit B provides additional support of reduction to practice prior to June 8, 2001 in which outsourced supply chain metrics are outlined on a global level, by geography, and by contract manufacturer. As the customer focus teams facilitate the activities conducted by contract manufacturers

the metrics, as provided on page 4 of Exhibit B, are supported by the activities performed by the customer focus teams as claimed in the application.

(e) Page 5 of Exhibit B supports reduction to practice prior to June 8, 2001 with respect to the establishment of customer focus teams provided within a list of outsourced supply chain initiatives.

(f) Page 6 of Exhibit B provides a listing of responsibilities broken down by activity and the entity responsible for the activity. Page 6 of Exhibit B supports reduction to practice antedating June 8, 2001 by describing activities assigned to contract manufacturing entities, whereby the contract manufacturers are supported by their respective customer focus teams.

(g) Exhibit C is an order book status report and order book architecture diagram that predates June 8, 2001 and supports reduction to practice of the order book feature as recited in applicants' claim 15.

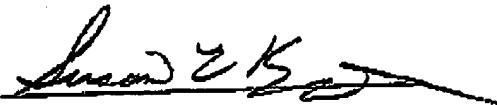
(h) Exhibit D is a Freeland Graphics Singapore presentation that outlines hardware requirements necessary for facilitating the functions of the customer focus teams. Exhibit D supports a reduction to practice prior to June 8, 2001 and lists several roles and responsibilities of the customer focus teams in support of applicants' claim 14. Specifically, applicants' claim 14 assigns responsibility to customer focus teams for "facilitating transfer and replenishment of components needed during manufacture" which is supported in Exhibit D as "coordinate manufacturing transfers" and "facilitate replenishment implementation." Also applicants' claim 14 assigns responsibility to customer focus teams for "ensuring ongoing inventory demand issues are addressed and resolved" which is supported in Exhibit D as "follow up on daily shortfalls identified by the CM." Further, applicants' claim 14 assigns responsibility to customer focus teams for "obtaining and providing metrics on outsourced supply chain parts and activities" which is supported in Exhibit D as "report/roll up summary of critical part status and provided weekly to OSC global critical parts management team" and "track buy/sell revenue and rebate savings." Also, applicants' claim 14 assigns responsibility to customer focus teams for "assisting said at least one contract manufacturing system during shortfalls of supplies...[and] collaborating with said

commodity team council systems relating to acquisition of critical parts" as provided in Exhibit D as "work with OSC commodity/supplier team on critical parts." Further, applicants' claim 14 assigns responsibilities to customer focus teams for "providing assistance on matters related to import, export, and tax issues" as described in Exhibit D as "provide/obtain assistance on VAT/Import/Export issues with the geo."

(h) Exhibit E is a copy of an email from co-inventor, James DeFilippo, indicating that the decentralized file (DCF) system feature of the invention, as recited in applicants' claim 19, was in production prior to June 8, 2001. The applicants submit that, collectively, Exhibits B through E clearly demonstrate a reduction to practice prior to June 8, 2001.

4. The undersigned declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

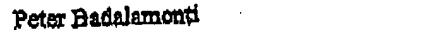
Date: 4/14/04


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Date: _____


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George Andrews

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Peter Badalamenti

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James DeFilippo

Date: 04/15/2004


Philippe B. Tardieu

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Date: _____

Philippe Duffaut

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Date: 4/13/04 Manuel R. Fusco
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Date: _____	George Androwa
Date: _____	Peter Badalamenti
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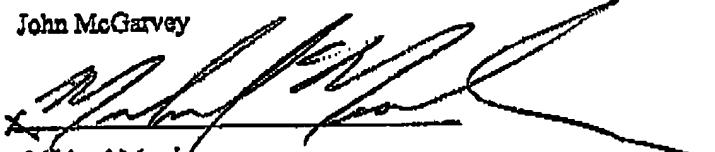
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